UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,612	10/11/2000	Claude Vogel	080759-0016	9817

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EXAMINER
LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *26 May 2004*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *9/17/08; 2/27/2009*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   This office action is in response to the petition received 12/17/2004.

2.   Claims 1-14 are pending in the application. Claims 1, 4, 7, 9, 11, 12, and 13 are

independent claims.

3.   The nonstatutory double patenting rejection of claims 1-12 under the judicially created

doctrine of obviousness type double patenting remain pursuant to applicant's arguments. Further,

claims 1-12 remain rejected under 35 U.S.C 103(a) as being unpatentable over Lu pursuant to

applicant's amendments.

Double Patenting

4.   The nonstatutory double patenting rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection

is appropriate where the conflicting claims are not identical, but at least one examined

application claim is not patentably distinct from the reference claim(s) because the examined

application claim is either anticipated by, or would have been obvious over, the reference

claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re

Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225

USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re

Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163

USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5.   **Claims 1-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, and 8 of U.S. Patent No. 6, 424,982 (hereinafter 982'). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following.**

In reference to Independent claim 1, 4, and 14 Vogel 982' discloses:

A buffer for reading one or more words from the text into the buffer until a break character is identified (compare to "a buffer for reading one or more words…..") See Vogel 982' Claim 1.

A parser for identifying a phrase contained in the buffer (compare to "parser identifying a phrase contained in the buffer...."). See Vogel 982', claim 1.

Determining the type of break character that follows the identified phrase (compare to "means for determining the type of break character that follows the identified phrase...."). See Vogel 982', claim 1.

A rules database that stores one or more rules to be applied to the piece of text to parse the piece of text into key phrases (compare to "determining the type of break character that follows the identified phrase and means for saving a key phrase from the buffer based on….". See Vogel 982', Claim 8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the "identified" phrase found in the document parsing methods of Vogel 982', And processed the "identified phrase" as a key phrase for providing a proficient parsing means based on the type of break character.

In reference to dependent claim 2, 5, Vogel 982' teaches:

Flushing the buffer when the key phrase is stored in the database or the phrase in the buffer is deleted (compare to "means for flushing the buffer when the key phrase is stored in the database…"). See Vogel 982', claim 2.

In reference to dependent claim 3, 6, Vogel 982' teaches:

Flushing the buffer when the key phrase is stored in the database or the phrase in the buffer is deleted (compare to "means for flushing the buffer when the key phrase is stored in the database…."). See Vogel 982', claim 2. The reference does not explicitly disclose a retriever for retrieving all occurrences of the extracted phrases from the piece of text after the text has been parsed; however, the phrase level parsing rules that are selectively applied to the piece of text provides a reasonable suggestion of a retrieval of phrases within the text based on rules from a rules database.

In reference to claims 7-12, please refer back to the original rejection found in the non-final rejection.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   **Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu et**

al., USPN 5,819,260 filed (1/22/1996).

In reference to independent claim 1, Lu teaches:

'a buffer for reading one or more words from the piece of text into the buffer until a

break character is identified;

a parser for identifying a phrase contained in the buffer, the phrase being a sequence

of two or more words in between break *characters;'*

The reference to Lu teaches a method that, given a piece of text, partitions the text into many

small text chunks. See column 7, lines 55-60. The phrase recognition method as taught by Lu

provides a reasonable suggestion of evaluating chunks (two or more words) and identifying

punctuation contained within the text. The reference utilizes memory blocks within the phrase

recognition system for allowing the text to reside and in turn giving the parser efficient and direct

access to the chunks of text as similarly performed by a buffer.

'the parser further comprising means for determining the type of break character that

follows the identified phrase and means for saving a key phrase fro the buffer based on the

determined type of break character;

a database for storing the key foreign language phrases.'

The reference further discloses text parsed into chunks and stop words. See column 4, lines 40-67 and column 5, lines 1-15. The parser as taught by Lu locates desirable phrases within the text and provides the user an illustration of key terms within the document for efficient lookup by the computer. Lu does not explicitly disclose saving a 'key phrase' for use within a document parsing system 'based on the determined type of break character'. However, based on the specifications broad definition of 'break characters' which includes 'stop words' which are disclosed within the reference to Lu. Therefore, it would have been obvious to one or ordinary skill in the art at the time the invention was made to have utilized the well known parsing techniques taught by Lu for providing a means for determining break characters within phrases and saving identified phrases to the memory to further enhance presentation of phrases utilizing the memory of a computer.

In reference to dependent claim 2, 5, Lu teaches:

If a given phrase occurs less than a given threshold number of times, it is discarded. See column 14, lines 53-57. The reference does not explicitly state the utilization of a buffer for storing said phrase, however, the memory provides a proficient means for storing text and would have given a similar result as the phrase recognition of Lu.

In reference to dependent claim 3, 6, Lu teaches:

The enhanced text list illustrates the desired phrases retrieved from memory after the text had been parsed. See column 4, lines 65-67 and column 5, lines 1-10. The reference provides a reasonable suggestion of retrieving all occurrences of the extracted phrases from the piece of text. See column 5, lines 65-67 and column 5, lines 1-10.

In reference to dependent claim 7, 9, Lu teaches:

A method, given a piece of text, partitions the text into many small text chunks. See column 7, lines 55-60. The phrase recognition means as taught by Lu provides a reasonable suggestion of evaluating chunks (two or more words) and identifying punctuation contained within the text. The reference does not explicitly holding a phrase within a buffer, however, the reference makes use of specific memory blocks and therefore, it would not preclude the author from utilizing said memory for allowing the text to reside within such memory and giving the parser efficient and direct access to the chunks of text.

The reference further discloses text parsed into chunks and stop words. See column 4, lines 40-67 and column 5, lines 1-15. The parser as taught by Lu locates desirable phrases within the text and provides the user an illustration of key terms within the document for efficient look-up by the computer. Lu does not explicitly disclose saving 'key phrase' for use within a document parsing system; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized similar parsing techniques as taught by Lu for providing a means for determining break character within phrases and saving identified phrases to the memory because the phrase chunks located by the parsing means of Lu provide a similar extraction means to further enhance presentation of phrases utilizing the memory of a computer.

The enhanced text list illustrates the desired phrases retrieved from memory after the text had been parsed. See column 4, lines 65-67 and column 5, lines 1-10. The reference provides a reasonable suggestion of retrieving all occurrences of the extracted phrases from the piece of text.

In reference to dependent claim 8, 10, Lu teaches:

If a given phrase occurs less than a given threshold number of times it is discarded. See column 14, lines 53-57. The reference does not explicitly state the utilization of a buffer for storing said phrase, however, the memory provides a proficient means for storing text and would have given a similar result as the phrase recognition of Lu.

In reference to dependent claim 11, 12, 13, and 14, the claims recite similar limitations to those of claims 1 and 7. Therefore, the claims are rejected under similar rationale.

Response to Arguments

8.   Applicant's arguments filed 5/26/04 have been fully considered but they are not persuasive.

Applicant argues on pages 8 of the amendment that the primary reference to Lu fails to teach all limitations of the claim. More specifically, applicant points to the limitation which recites 'a means for saving a key phrase from the buffer based on the determined type of break character'. Applicant argues that there are different types of break characters and based upon the different types of break characters, the word or words may be retained in the buffer or flushed from the buffer. In some cases, applicant states, words in the buffer may be simultaneously saved to a memory as a phrase. The examiner would like to point out the language of the claim does not include any mention of different types of break characters. The examiner is interpreting the claim as one specific type of break character would cause the key phrase to be saved. Further, no mention is made in the claim of types of characters and flushing or deleting words from the buffer. The examiner believes the applicant is presenting arguments which are based on language

that cannot be read into the claim, based on the current language found in the claim. As presently

claimed, the break characters taught in the reference to Lu provide a proficient description of the

limitation in question based upon the language found in the non-final rejection. More

specifically, the reference to Lu discloses text parsed into chunks and stop words. See column 4,

lines 40-67 and column 5, lines 1-15. The parser as taught by Lu locates desirable phrases within

the text and provides the user an illustration of key terms within the document for efficient look-

up by the computer. Lu does not explicitly disclose saving a key phrase for use within a

document parsing system, however, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to have utilized similar parsing techniques as taught by Lu for

providing a means for determining a break character within phrases and saving phrases to

memory because the phrase chunks located by the parsing means of Lu provide a similar

extraction means to further enhance presentation of phrases utilizing the memory of a computer.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MATTHEW J. LUDWIG whose telephone number is (571)272-

4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit
2178

ML